

Occupational Health
and Safety Tribunal Canada



Tribunal de santé et
sécurité au travail Canada

Ottawa, Canada K1A 0J2

Case No.: 2007-35
Decision No.: TSSTC-09-019

CANADA LABOUR CODE
PART II
OCCUPATIONAL HEALTH AND SAFETY

Terminaux Portuaires du Québec Inc.
appellant

and

Longshoremen's Union of
the Port of Trois-Rivières, Canadian
Union of Public Employees, local 1375
respondent

May 20, 2009

**TRANSLATION/
TRADUCTION**

This case was decided by Appeals Officer Katia Néron.

For Terminaux Portuaires du Québec Inc.
Pierre Jolin, McCarthy Tétrault

**For the Longshoremen's Union of the Port of Trois-Rivières, Canadian
Union of Public Employees, local 1375**
Danny Venditti, Trudel, Nadeau Avocats

Canada 

- [1] This case concerns an appeal filed on December 12, 2007 under *Canada Labour Code, Part II (Code)*, subsection 146(1) by Denis Caron on behalf of Terminaux Portuaires du Québec Inc. (TPQ).
- [2] This appeal was against two directions issued on December 5, 2007 by Health and Safety Officer (HSO) Claude Léger further to his investigation into the occupational accident involving a longshoreman on December 3, 2007 at port de Bécancour during the casting off¹ of a ship.
- [3] The hearing on this case was held on February 16 and 17 in Trois-Rivières.
- [4] On April 14, 2009, I sent a letter to Pierre Jolin, the appellant's solicitor, and to Danny Venditti, the respondent's solicitor, requesting—in addition to their respective final arguments that had been requested in writing—their comments and submission on the application, in this case, of certain provisions of the *Code* and its Regulations (the Canada Occupational Health and Safety Regulations (COHSR)).
- [5] On May 13, 2009, I received a notice of withdrawal of the appeal from Mr. Jolin, on behalf of the TPQ.
- [6] As indicated by Mr. Jolin in his letter, Mr. Venditti has been informed about the withdrawal of the appeal.
- [7] I reviewed this notice, and this case is now closed.

Katia Néron
Appeals Officer

¹ Le Petit Robert defines the terms "démarrage", "démarrer", "amarre" and "larguer" as follows (the applicable English translations provided in the Robert & Collins Senior are added in parentheses):
"DÉMARRAGE": "Action de démarrer. *Démarrage d'un navire*. Le fait de démarrer, de partir" (casting off, unmooring)
"DÉMARRER": "Larguer les amarres de (un navire)...Rompre ses amarres, quitter le port « *Le paquebot venait de démarrer* »" (to cast off, unmoor)
"AMARRE": "Câble, cordage servant à retenir un navire..." (rope or line or cable)
"LARGUER": "Lâcher ou détacher (un cordage). *Larguer les amarres...*" (to loose, release (...)
to cast off, slip)